

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

MARVIN CLARK,

Plaintiff,

v.

NEW ENGLAND COMPOUNDING

PHARMACY, INC. d/b/a

NEW ENGLAND COMPOUNDING CENTER,

and

IMAGE GUIDED PAIN MANAGEMENT, P.C.

d/b/a INSIGHT IMAGING-ROANOKE,

Defendants.

Case No.: 7:12-cv-566-JCT

PLAINTIFF'S NOTICE OF DISMISSAL OF DEFENDANT
IMAGE GUIDED PAIN MANAGEMENT, P.C.

Plaintiff Marvin Clark, by counsel, represents to the court that defendant Image Guided Pain Management, P.C. d/b/a Insight Imaging-Roanoke has not yet served either an Answer or a Motion for Summary Judgment in this action. Plaintiff hereby files this Notice of Dismissal pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, dismissing Image Guided Pain Management, P.C. d/b/a Insight Imaging-Roanoke from this action without prejudice to any subsequent action plaintiff may institute against Image Guided Pain Management, P.C. d/b/a Insight Imaging-Roanoke in any court of competent jurisdiction.

Plaintiff further represents to the court that it is plaintiff's intention that this action continue as to any and all claims remaining against defendant New England Compounding Pharmacy, Inc. d/b/a New England Compounding Center.

Respectfully submitted,

MARVIN CLARK

By: /s/Patrick T. Fennell
Counsel

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Counsel for plaintiff.

Seen and agreed:



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Counsel for defendant Image Guided Pain Management, P.C.

Certificate of Service

The undersigned hereby certifies that on this 6th day of March, 2013, a true and complete copy of the foregoing was filed with the Clerk of Court using the CM/ECF system, by which electronic notice of such filing was sent to michael.gardner@leclairryan.com, counsel for Image Guided Pain Management, P.C. d/b/a Insight Imaging-Roanoke, and to rebecca.herbig@bowmanandbrooke.com, counsel for New England Compounding Pharmacy, Inc. d/b/a New England Compounding Center.

/s/Patrick T. Fennell